

NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

---

**CYBERGENETICS CORP.,**  
*Plaintiff-Appellant*

v.

**INSTITUTE OF ENVIRONMENTAL SCIENCE AND  
RESEARCH, NICHEVISION, INC.,**  
*Defendants-Appellees*

---

2021-1113

---

Appeal from the United States District Court for the Northern District of Ohio in No. 5:19-cv-01197-SL, Judge Sara Lioi.

---

## **JUDGMENT**

---

MARK MICHAEL SUPKO, Crowell & Moring, LLP, Washington, DC, argued for plaintiff-appellant.

SERGEY VERNYUK, Emerson Thomson Bennett, Akron, OH, argued for defendants-appellees. Also represented by JOHN M. SKERIOTIS.

---

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, CLEVENGER, and TARANTO,  
*Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

August 16, 2021

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court